APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,785	04/30/2001	Karen P. Parnell	OIC0044US	4346

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EXAMINER
SPOONER, LAMONT M

ART UNIT	PAPER NUMBER
2626	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/845,785	PARNELL ET AL.
	Examiner	Art Unit	
	LAMONT M. SPOONER	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>25 February 2008</u>.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1,2,5,9,16-19,22,26,33,34,38-43 and 45-53</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1,2,5,9,16-19,22,26,33,34,38-43 and 45-53</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>30 April 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Introduction

1.   This office action is in response to applicant's amendment filed
2/25/08. Claims 1, 2, 5, 9, 16-19, 22, 26, 33, 34, 38-43, and 45-53 are
currently pending and have been examined.

Response to Arguments

2.   Applicant's arguments with respect to claims 1, 18, and 34 (and
depending claims) have been considered but are moot in view of the new
ground(s) of rejection.

3.   Applicant's arguments with respect to claim 45 have been fully
considered but they are not persuasive. In response to applicant's
arguments, regarding claim 45, against the references individually, one
cannot show nonobviousness by attacking references individually where
the rejections are based on combinations of references. See *In re Keller*,
642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800
F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). More specifically applicant
argues "[T]his teaching (Lee at 3:56-64.) does not disclose or fairly teach
Applicant's limitation that a localization of the first stage of the base version
of the application is performed <u>concurrently with an internationalization of</u>

the second stage." However, the Examiner notes it is the combination that

teaches the plurality of stages, and concurrent builds, wherein the

Examiner does not rely on Lee at 3:56-64 to teach the above limitation, see

the rejection of claim 45 below.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the

basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1, 2, 5, 9, 16-19, 22, 26, 33, 34, 38-43, and 45-53 are rejected

under 35 U.S.C. 103(a) as being unpatentable over Lee et al. (hereinafter

referred to as Lee, US 6,442,516) in view of Rojas et al. (hereinafter

referred to as Rojas, US 6,425,123), and further in view of Malcolm (US

5,416,903).

        Lee, Rojas and Malcolm are analogous art in that they both involve

the development process of software.

        As per **claims 1, 18 and 34**, Lee discloses a method facilitating a

polylingual simultaneous shipment of the application, the method

comprising:

developing a base version of the application in a base language

(C.2.lines 57-67, C.6.lines 27-34), wherein the language dependant code is

maintained separately from language independent code of the base version

of the application (C.4.lines 8-17-language dependent code tracked from

language independent code not requiring translation in a base language,

having a library control feature translatable components only in these fields,

i.e. his available field of database… translation, and library control

database that tracks all changes to the language source file that would

require a translation);

facilitating a L10N of the base version of the application wherein the

L10N comprises generating a base glossary; (C.3.lines 56-57, C.10.lines

10-16, the L10N process, C.10.line 58-C.11.line 39, C.10.lines 58-60-his

seeds as the base glossary, C.3.line 67-C.4.line 1, 14-16, C.11.lines 5-9,

13-15-translated files include a base glossary).

but lacks disclosing facilitating an I18N of the base version of the

application, wherein the I18N process comprises pseudo localization

(L10N) of the language dependent code of the base version of the

application;

However, Rojas teaches having an I18N process including a pseudo L10N of the language dependent code of the base version of the application (C.2.line 48-C.3.line 5). Therefore, at the time of the invention, it would have been obvious to one ordinarily skilled in the art to modify Lee with Rojas by implementing a mock L10N. The motivation for doing so would have been to test language translatability in computer software (C.2.lines 45-47).

Lee and Rojas lack the developing the base version of the application comprises developing a plurality of stages of the base version of the application; and

the internationalization of the base version of the application comprises an internationalization of a first stage among the plurality of stages concurrently with the developing of a second stage among the plurality of stages.

modifying the base version of the application in response to at least one of the internationalization or the localization of the base version of the application.

However, Malcolm teaches these lacking element, developing …plurality of stages, a first stage among the plurality of stages concurrently

with the developing of a second stage among the plurality of stages

(C.10.lines 16-30), and modifying the base version of the application in

response to at least one of the internationalization or the localization of the

base version of the application (Malcolm, abstract, his dynamic

generation/internationalization and localization, C.10 lines 16-29, wherein

the development and <u>changing</u> of the initial panels, as the base version and

modification thereof, and this is in response to the testing, as the

internationalization/localization (his interface for country requirements, see

abstract).

Therefore it would have been obvious at the time of the invention to

modify Lee's internationalization and Rojas' pseudo-localization with the

concurrent (parallel) localization and internationalization in stages, and

modification of the base version in response to

internationalization/localization for the benefit of reducing overall time

requirements for development of a final product (C.10.lines 25-27).

As per **claims 2, and 19**, Lee, Rojas and Malcolm make obvious the

limitations of claim 1, upon which claim 2 depends. Rojas further discloses

developing the base version of the application comprises:

identifying all language-dependent user interface code (C.4.lines 34-45); and

creating a source code structure for the application wherein the language-dependent user interface code is maintained separately from non user interface code (C.4.lines 35-37-separate executable program).

As per **claims 5 and 22**, Lee in view of Rojas disclose all the limitations of claim 1, upon which claim 5 depends. Lee further discloses:

the base language is English (C.6.lines 30-34).

As per **claims 9 and 26**, Lee, Rojas and Malcolm make obvious the limitations of claim 1, upon which claim 9 depends.

Rojas also teaches pseudo L10N includes adding a prefix to each translatable string in the application (C.4.lines 58-67).

As per **claims 16 and 33**, Lee, Rojas and Malcolm make obvious the limitations of claim 1, upon which claim 16 depends. Lee further discloses

the at least one language different from the base language is selected from the group consisting of: German, Spanish, French, Japanese, Danish, Dutch, Italian,

Portuguese, Swedish, Chinese, Korean, Czech, Finnish, Greek, and Hebrew (C.10.lines 10-15-French, C.11.lines 45-47).

As per **claim 17**, Lee, Rojas and Malcolm make obvious dependent

claim 1, Rojas further teaches wherein the application (C.2.lines 40-44)

comprises a front end (C.4.lines 45, 46-irequired as a front end

development), a middle (C.4.lines 33-45), and a data model (C.4.lines 46-

52-data model), wherein the front end comprises user interface code

developed in a base language (C.4.lines 34-45, 53, 54-base language

interface code required to initiate the process), and the middle comprises

non user interface code developed in a programming language (C.4.lines

35-37-separate executable program follows the initiated front end);

As per **claim 38**, Lee, Rojas and Malcolm make obvious dependent

claim 1, and Lee further teaches a first portion of the language dependent

code is stored in a master repository (C.2.lines 62-66-his all files logged in

the library control database as the first portion) and a second portion of the

language dependent code is stored in resource files (C.4.lines 8-15-his

baselevel fields as the second portion …resource files).

As per **claim 39**, Lee, Rojas and Malcolm make obvious claim 1, Lee

further teaches the internationalization further comprises identifying defects

in a previous version of the application (C.4.lines 18-23-his "translated file

downlevel" interpreted as defects, wherein they necessarily are modified, or

fixed, C.4.lines 44-67, also his files that require changes, C.5.lines 39-44-
the identified errors from the CMVC).

As per **claims 40 and 41**, Lee, Rojas and Malcolm make obvious
claim 9, Rojas also teaches wherein the pseudo localization further
comprises altering locale-specific settings (C.2.lines 48-67-his formatting
and hard-coded text for the localization files, C.5.lines 31-37-his mock
translation) in an operating environment (C.6.lines 36-48-his hard-coded
text, Fig. 5 item 510).

wherein the locale-specific settings comprise at least one of a date, a
time, a number, a currency format and a hard-coded reference to a
translation (C.2.lines 48-67-his formatting, and C.6.lines 36-48-his hard-
coded text, Fig. 5 item 510).

As per **claim 42**, Lee, Rojas and Malcolm make obvious claim 9, and
Lee further teaches wherein the pseudo localization further comprises
identifying hard-coded strings in the application by simulating localization of
the application (C.6.lines 37-48, Figs. 4 and 5).

As per **claim 43**, Lee, Rojas and Malcolm make obvious claim 1, Lee
further teaches generating the base glossary comprises creating a list of

base language strings (C.10.lines 59, and 60-his sets of files from language objects, the language objects as the base language strings in the CMVC).

As per **claims 45, 49 and 51**, Lee, Rojas and Malcolm make obvious claim 1. Lee in further teaches, wherein the localization of the base version of the application comprises a localization concurrently with an internationalization (C.3 lines 59-61), but lacks the first stage and second stage (stages). However, Malcolm teaches stages (see claim 1, internationalization, localization and concurrent discussion regarding stages). Therefore it would have been obvious at the time of the invention to modify Lee's internationalization and Rojas' pseudo-localization with the concurrent (parallel) localization and internationalization in stages, for the benefit of reducing overall time requirements for development (Malcolm, C.10.lines 25-27).

As per **claims 46, 49 and 52**, Lee, Rojas and Malcolm make obvious the method of claim 1. Lee further teaches wherein the internationalization of the base version of the application comprises adapting the base version of the application to be capable of being localized in a variety of locales (see claim 1, locale discussion, further-inherent to the build locale and second locale).

As per **claims 47, 50 and 53**, Lee, Rojas and Malcolm make obvious the method of claim 1. Lee further teaches wherein the base glossary comprises a glossary for the language dependent code, translated into at least one language different from the base language (C.10.lines 58-60-his seeds as the base glossary, C.3.line 67-C.4.line 1, 14-16, C.11.lines 5-9, 13-15-translated files include a base glossary).

Conclusion

6.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the

mailing date of the advisory action. In no event, however, will the statutory

period for reply expire later than SIX MONTHS from the date of this final

action.

7.   Any inquiry concerning this communication or earlier communications

from the examiner should be directed to LAMONT M. SPOONER whose

telephone number is (571)272-7613. The examiner can normally be

reached on 8:00 AM - 5:00 PM.

       If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Patrick Edouard can be reached on 571/272-7603.

The fax phone number for the organization where this application or

proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained
from the Patent Application Information Retrieval (PAIR) system. Status
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lms
5/1/08

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